

**Rashid, David**

---

**From:** Bill Esser [besser@Lexmark.com]  
**Sent:** Tuesday, October 14, 2008 11:44 AM  
**To:** Rashid, David  
**Subject:** Re: USSN 10/763,129 revised claims  
**Attachments:** 2003-0438.02 Amendment 10-14-08.doc

Hello Examiner Rashid,

Per our conversation this morning, I attach proposed amendments to the claims, which include a revised amendment to claim 19. The proposed amendment of claim 19 makes claim 19 a Beauregard type claim but keeps the language you had previously found to be allowable without adding new claim elements to the body of the claim or using "configured to" language.

Please let me know if you have any questions or concerns regarding claim 19.

Thanks.  
Bill Esser

This transmission (including any attachments) may contain confidential information, privileged material or constitute non-public information. Any use of this information by anyone other than the intended recipient is prohibited. If you have received this transmission in error, please immediately reply to the sender and delete this information from your system. Use, dissemination, distribution, or reproduction of this transmission by unintended recipients is not authorized and may be unlawful.

Bill Esser/Lex/Lexmark

10/13/2008 03:43 PM

To david.rashid@uspto.gov

cc

Subject USSN 10/763,129 revised claims

Hello Examiner Rashid,

Per our telephone conversation this afternoon, I submit to you proposed amendments to claims 11, 19 and 24 for US Patent Application 10/763,129. Please see the attached document. The proposed amendments to claims 11 and 24 utilize "using a processor" language which you thought may possibly be agreeable to your SPE and you. The proposed amendment to claim 19 removes the "configured to" language and replaces it with "executing instructions to" language. The proposed amendment to claim 19 also replaces "is configured to determine" language with "determines" language.

If you have any questions or concerns regarding the proposed claim amendments, please do not hesitate to contact me. I am happy to work with you to arrive at claim language that is acceptable to you.

10/17/2008

Regards,  
William F. Esser (Reg. No. 38,053)  
IP Counsel  
Lexmark International, Inc.  
859-232-3668

[attachment "2003-0438.02 Amendment 10-13-08.doc" deleted by Bill Esser/Lex/Lexmark]

This transmission (including any attachments) may contain confidential information, privileged material or constitute non-public information. Any use of this information by anyone other than the intended recipient is prohibited. If you have received this transmission in error, please immediately reply to the sender and delete this information from your system. Use, dissemination, distribution, or reproduction of this transmission by unintended recipients is not authorized and may be unlawful.

10/17/2008